

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JOSEPH R. REDMON,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS  
and HARLEY LAPPIN, Director,

Defendants.  
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ORDER

07-cv-432-jcs

After this court ordered on March 19, 2008, that plaintiff could not proceed in forma pauperis on appeal because he is in arrears in paying his filing fee debts as required by the Prison Litigation Reform Act, plaintiff moved for reconsideration of that order on April 4, 2008. Requests for reconsideration of orders denying leave to proceed on appeal in forma pauperis are not properly filed in the district court. Pursuant to Fed. R. App. P. 24(a)(5), if a district court denies a party's request for leave to proceed in forma pauperis on appeal, the party may file a motion to proceed on appeal in forma pauperis in the court of appeals within 30 days after service of the district court's order denying leave to proceed. Therefore, I construed plaintiff's motion for reconsideration as a motion required to be filed in the

court of appeals under Rule 24(a)(5) (although I did not document that construction on the court's docket) and forwarded the motion to the court of appeals for whatever action it wished to take. On May 16, 2008, the court of appeals denied plaintiff's motion and directed him to pay the full \$455 filing fee no later than May 30, 2008. Subsequently, plaintiff asked the court of appeals to stay the deadline "pending district court action on the issue of in forma pauperis status." The court of appeals denied that motion on June 13, 2008, but extended to June 27, 2008, plaintiff's deadline for paying the filing fee.

Now plaintiff has filed in this court a letter dated June 23, 2008, in which he asks for a ruling on his April 4, 2008 motion for reconsideration. That request will be denied. As noted above, the only recourse available to a plaintiff dissatisfied with the district court's order denying his request for leave to proceed in forma pauperis on appeal is to ask the court of appeals for leave to proceed in forma pauperis under Fed. R. App. P. 24. Plaintiff has already done that and lost. The court of appeals' May 16 ruling against plaintiff ends the matter. There is nothing left for this court to decide.

Therefore, IT IS ORDERED that plaintiff's request for a ruling on his April 4, 2008

motion for reconsideration is DENIED.

Entered this 7th day of July, 2008.

BY THE COURT:

*Barbara B. Crabb*

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BARBARA B. CRABB  
District Judge